IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1913 OF 2006

Nathuram Balaram Karlekar & anr. Applicants
versus
Jayendra Poarshuram Bamugade & anr Respondents

Shri D.S.Joshi i/by Rajan Salvi for applicants.
Shri P.S.Hingorani, APP for State.
Shri Kuldeep S. Patil for respondent no.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th September 2006

PC :

1. The applicant has contended that respondent no.1-original accused being enlarged on bail by this Court on 17th April 2006, despite a specific condition being imposed of not to tamper with the evidence or threaten the witnesses, has visited the village where the original complainant resides and has threatened him.

2. The specific allegation in that behalf is made at para 5 on page 3 of this application.

3. In the affidavit in reply filed the first

respondent states that although a complaint/N.C. was lodged, the Alibag Police detained the first respondent for three days as preventive measure. Later on he was arrested u/s 151 of Cr.P.C. and released on bail on furnishing sureties. It is the case of the first respondent that there is tendency of continuous complaints which are false and baseless. The applicant has earlier furnished sureties for good behaviour and conduct pursuant to order u/s 110 of Cr.P.C..

4. Additionally Shri Patil states that first respondent is residing at village Mahajane along with his sister. He submits that first respondent would not enter the applicant's village Kurul till conclusion of trial.

5. In my view, considering that the applicant is residing at Kurul and though first respondent is also residing in the same village during pendency of the Trial, he, on his own, making a statement of not entering the village limits of Kurul and staying away therefrom at village Mahajani, the prayer in the application need not be considered at this stage. Needless to state that if the applicant gets any further threats and has to take recourse to the law by approaching Local

Police Station, despite first respondent staying away from the village or there being any breach of this undertaking, it would be open for the applicant to apply for the relief claimed in the instant application and such an application, if made, would be considered on its own merits and in accordance with law without being influenced by this order. Application dismissed.

(S.C.DHARMADHIKARI, J.)